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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 18, 1998

COMMONWEALTH OF VIRGINIA, ex rel.

MIKE DEANE, et al.

v.

CASE NO. PUE980059

BOTETOURT FOREST WATER
CORPORATION

ORDER FOR NOTICE AND HEARING

By letter dated January 10, 1998, Botetourt Forest Water Corporation ("the Company") notified its customers, pursuant to the Small Water or Sewer Public Utility Act (Virginia Code § 56-265.13:1, et seq.) of its intent to revise its tariff for water service effective March 1, 1998. The Company's proposed tariffs for water service are as follows:

Water Usage Rates (per month)

	<u>Current</u>	<u>Proposed</u>
First 2000 gallons	\$16.00	\$17.00
Each additional 1000 gallons	\$5.00	\$5.50

By February 18, 1998, the Commission had received objections from approximately 26% of the Company's affected customers. On March 5, 1998, the Commission, pursuant to authority granted in Virginia Code § 56-265.13:6, issued a Preliminary Order declaring the proposed rates interim and subject to refund, with interest,

as of March 5, 1998. In that Order, the Commission also directed the Company to file certain financial information on or before May 1, 1998.

NOW THE COMMISSION, having considered the matter, is of the opinion that the hearing should be scheduled pursuant to Virginia Code § 56.265.13:6 to receive evidence relevant to the Company's proposed tariffs. Accordingly,

IT IS ORDERED THAT:

(1) Pursuant to Rule 7:1 of the Commission Rules of Practice and procedure ("Rules"), a Hearing Examiner is appointed to conduct all further proceedings in this matter.

(2) A public hearing before a Hearing Examiner shall be held on September 15, 1998, commencing at 10:00 a.m. in the Commission's Second Floor Courtroom for the purpose of receiving evidence relevant to the Company's proposed tariff revision.

(3) The appropriate members of the Commission's Staff shall investigate the reasonableness of the Company's proposed tariff and present their findings and recommendations in testimony at the September 15, 1998 public hearing.

(4) The Company forthwith make a copy of its proposed tariff and accompanying materials available for public inspection during regular business hours at the Blue Ridge Public Library, Blue Ridge Drive, Blue Ridge, Virginia 24064.

(5) On or before June 12, 1998, the Company shall file with the SCC Document Control Center an original and fifteen (15)

copies of the prepared testimony and exhibits the Company intends to present at the public hearing, and make a copy of the same available for public inspection as provided in paragraph (5) herein.

(6) On or before July 6, 1998, any person desiring to participate as a Protestant, as defined in Rule 4:6, shall file with the Clerk of the Commission an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy on the Company. Service upon the Company shall be made on Jerry B. Bowen, President, Botetourt Forest Water Corporation, P.O. Box 32, Blue Ridge, Virginia 24064.

(7) Within five (5) days of receipt of any Notice of Protest, the Company shall serve on each Protestant a copy of all material now or hereinafter filed with the Commission.

(8) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Rule 4:6, shall file, on or before July 24, 1998, an original and fifteen (15) copies of a Protest with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 referring to Case No. PUE980059 and shall simultaneously send a copy thereof to the Company as provided in paragraph (6) above.

(9) The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to

prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis thereof. Any corporate entity or governmental unit that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8.

(10) On or before July 24, 1998, each Protestant shall file an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the public hearing, and shall simultaneously mail a copy to the Company at the address set out above.

(11) On or before August 21, 1998, the Commission Staff shall file an original and fifteen (15) copies of the prepared testimony and exhibits Staff intends to present at the public hearing and shall serve a copy of each upon the Company and each Protestant.

(12) On or before September 1, 1998, the Company shall file an original and fifteen (15) copies of all testimony it expects to introduce in rebuttal to all direct prefiled testimony and exhibits. Additional rebuttal evidence may be presented without prefiling, provided it is in response to evidence which was not prefiled but elicited at the time of the hearing, and provided further, the need for additional rebuttal evidence is timely addressed by motion during the hearing and leave to present said evidence is granted by the Hearing Examiner. A copy of the

prefiled rebuttal evidence shall be sent to the Company and to all other parties to the proceeding.

(13) The Company shall respond to written interrogatories within ten (10) days after receipt of same. Protestants shall respond to the written interrogatories of the Company, other Protestants and Staff within five (5) business days after receipt of same. Protestants shall provide the Company, other Protestants, and Staff with any work papers or documents used in preparation of their filed testimony promptly upon request. Except as modified above, discovery shall be in accordance with Part VI of the Rules.

(14) On or before April 17, 1998, the Company shall cause a copy of the following notice to be sent to each of its customers by first class mail, postage prepaid (bill inserts are acceptable):

NOTICE TO THE PUBLIC OF A
CHANGE IN WATER RATES OF
BOTETOURT FOREST WATER CORPORATION
CASE NO. PUE980059

TAKE NOTICE that by letter dated January 10, 1998, Botetourt Forest Water Corporation ("the Company") notified its customers, pursuant to the Small Water or Sewer Public Utility Act, of its intent to revise its tariff effective March 1, 1998. Changes in the Company's proposed tariff are as follows:

Water Usage Rates (per month)

	<u>Current</u>	<u>Proposed</u>
First 2000 gallons	\$16.00	\$17.00
Each additional 1000 gallons	\$5.00	\$5.50

The State Corporation Commission has declared the proposed rates interim and subject to refund, with interest, as of March 5, 1998, and has scheduled a hearing to begin at 10:00 a.m. on September 15, 1998, in the Commission's Second Floor Courtroom in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to receive evidence relevant to the Company's proposed tariff.

While the total revenues that may be approved by the Commission is limited to the amount produced by the Company's proposed rates, PLEASE TAKE NOTICE that the individual rates and charges approved may be either higher than or lower than those proposed by the Company.

A copy of the Company's proposed tariffs and accompanying materials are available for public inspection during regular business hours at the Blue Ridge Public Library, Blue Ridge Drive, Blue Ridge, Virginia 24064. A copy of the proposed tariffs is also available Monday through Friday, 8:15 a.m. to 5:00 p.m. at the Commission's Clerk's Office, Document Control Center, First Floor, 1300 East Main Street, Richmond, Virginia. On and after June 12, 1998, a copy of the Company's prefiled testimony and exhibits will be available for public inspection at the same locations.

Any person desiring to comment in writing on the application may do so by directing such comments to the Clerk of the Commission as provided below, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and refer to Case No. PUE980059. Any person desiring to make a statement at the public hearing, either for or against the application, need only appear in the Commission's courtroom at 9:45 a.m. on the day of the hearing and identify himself as a public witness to the Commission's bailiff.

Individuals with disabilities who require an accommodation to participate in

the hearing should contact the Commission at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD) at least seven days before the scheduled hearing date.

On or before July 6, 1998, any person desiring to participate as a Protestant, as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest, as provided in Rule 5:16(a), with the Clerk of the Commission and serve a copy upon the Company. Service upon the Company shall be made on Jerry B. Bowen, President, Botetourt Forest Water Corporation, P.O. Box 32, Blue Ridge, Virginia 24064.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Rule 4:6, shall file on or before July 24, 1998, an original and fifteen (15) copies of a Protest with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, referring to Case No. PUE980059 and shall simultaneously send a copy to the Company at the address provided in the foregoing paragraph.

The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity or governmental unit that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8.

On or before July 24, 1998, each Protestant shall file an original and fifteen (15) copies of the prepared testimony and exhibits Protestant intends to present at the public hearing, and shall simultaneously mail

a copy to the Company at the address provided above, and to other Protestants.

All written communications to the Commission regarding this case should be directed to Clerk of the State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUE980059.

BOTETOURT FOREST WATER CORPORATION

(15) That the Company forthwith serve a copy of this Order on the Chair of the Board of Supervisors of each county in which the Company offers service and/or the Mayor or Manager of every city and town (or equivalent officials in counties, cities, and towns having alternate forms of government) in which the Company offers service. Service shall be made by first class mail or delivery to the customary place of business or to the residence of the person served.

(16) That, at the commencement of the hearing scheduled herein, the Company shall provide the Commission with proof of notice as required by paragraphs (14) and (15).